

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

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THIS DOCUMENT RELATES TO:

All Cases Naming Saint Thomas Outpatient  
Neurosurgical Center, LLC.

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) MDL No. 2419  
) Dkt. No. 1:13-md-2419 (RWZ)

**UPDATED COMPARISON CHART OF PROPOSED DISCOVERY AND  
BELLWETHER TRIAL PLANS**

As requested by Magistrate Judge Boal during the July 17, 2014, hearing and in the subsequent Electronic Order [Dkt. No. 1276], the Plaintiffs' Steering Committee ("PSC") submitted on July 24, 2014, a chart [Dkt. No. 1292-1] comparing the discovery and bellwether trial schedules proposed by the PSC and Defendants Saint Thomas West, formerly known as St. Thomas Hospital; Saint Thomas Network; Saint Thomas Health; Ascension Health; Ascension Health Alliance; Saint Thomas Outpatient Neurosurgical Center, LLC; the Howell Allen Clinic, P.C.; John W. Culclasure, M.D.; and Debra V. Schamberg, R.N. (collectively, the "Tennessee Defendants"), and reflecting the discussions and agreements reached among the parties during their meet-and-confer sessions on the proposed schedules.

In the July 24, 2014, chart, the PSC presented the parties' proposals and agreements as the PSC understood them to be at that time. The PSC also offered the Tennessee

Defendants a chance to review the chart before filing, but it was not until the evening on the Court-imposed due date that counsel for Defendants notified the PSC that they disagreed with the PSC's chart and intended to file their objections separately with the Court. Thus the PSC filed their chart, in order to comply with the July 24, 2014, deadline set by the Court, but noted the Defendants' objection in a footnote.

Since then, the parties agreed that providing an updated comparison chart to the Court would be preferable to the Court than making separate filings and the parties worked together to create an updated comparison chart that they agree accurately outlines the parties' positions. That updated comparison chart is attached here as Exhibit A, and replaces and supersedes the previously filed chart.

Dated: August 1, 2014

Respectfully submitted,



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Elizabeth J. Cabraser  
Mark P. Chalos  
Annika K. Martin  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
150 Fourth Avenue North, Suite 1650  
Nashville, TN 37219-2417  
Telephone: 615.313.9000  
Facsimile: 615.313.9965  
ecabraser@lchb.com  
mchalos@lchb.com  
akmartin@lchb.com

*Federal/State Liaison*

Thomas M. Sobol  
Kristen Johnson Parker  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301

Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003  
tom@hbsslaw.com  
kristenjp@hbsslaw.com

*Plaintiffs' Lead Counsel*

Marc E. Lipton  
LIPTON LAW  
18930 W. 10 Mile Road  
Southfield, MI 48075  
Telephone: (248) 557-1688  
Facsimile: (248) 557-6344  
marc@liptonlawcenter.com

Kim Dougherty  
JANET, JENNER & SUGGS, LLC  
31 St. James Avenue, Suite 365  
Boston, MA 02116  
Telephone: (617) 933-1265  
kdougherty@myadvocates.com

Patrick T. Fennell  
CRANDALL & KATT  
366 Elm Avenue, S.W.  
Roanoke, VA 24016  
Telephone: (540) 342-2000  
pfennel@crandalllaw.com

Mark Zamora  
ZAMORA FIRM  
6 Concourse Way, 22nd Floor  
Atlanta, GA 30328  
Telephone: (404) 451-7781  
Facsimile: (404) 506-9223  
marc@markzamora.com

J. Gerard Stranch, IV  
Benjamin A. Gastel  
BRANSETTER, STRANCH & JENNINGS PLLC  
227 Second Avenue North  
Nashville, TN 37201  
Telephone: (615) 254-8801  
Facsimile: (615) 255-5419  
gerards@branstetterlaw.com  
beng@branstetterlaw.com

*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, Mark P. Chalos, hereby certify that I caused a copy of the foregoing and its Exhibit A to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: August 1, 2014



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